IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

**Bail Appl..No. 1989 of 2007()**

CRIME NO.27 OF 2007 OF EXCISE RANGE, KOLLAM
CMP.1929/2007 of J.M.F.C.-II, KOLLAM

PETITIONER/1ST ACCUSED
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RAJEEV, AGED 28 YEARS, S/O. PUSHKARAN,
CHOORAKILVAYALIL VEEDU, VADAKKEVILA VILLAGE,
KOLLAM TALUK.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: COMPLAINANT
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STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, EXCISE RANGE, KOLLAM,
THROUGH REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.T. SANKARAN, J.**

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**B.A. NO. 1989 OF 2007**

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**Dated this the 17th day of April, 2007**

**O R D E R**

This is an application for bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the first accused in C.R. No.27 of 2007, Excise Range, Kollam. The offence alleged against him is under Sections 55(a) and 67B of the Abkari Act.

3. The petitioner moved an application for bail before the Court of the Judicial Magistrate of the First Class- II, Kollam, but the same was dismissed by the order dated 14.3.2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned counsel for the petitioner that the petitioner was arrested on 12.3.2007 and he is

undergoing detention. The prosecution case is that the petitioner was found in possession of 32 litres of spirit. Learned Public Prosecutor submits that the petitioner is not involved in any other case of a similar nature.

Considering the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition that he executes a bond for Rs.40,000/- with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class- II, Kollam.

**(K.T.SANKARAN)**
**Judge**

ahz/